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August 24, 2018

By CM/ECF Notification

Ms. Ada Means, Clerk to Magistrate Judge Jacqueline Scott Corley
Magistrate Judge Jacqueline Scott Corley Chambers
United States District Court for the Northern District of California
San Francisco Courthouse, Courtroom F – 15th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

RE: *In re Ex Parte Application of Palantir Technologies Inc. (3:18-mc-80132-JSC)*

Dear Ms. Means:

We represent Marc L. Abramowitz, and we write to notify the Court and *Ex Parte* Applicant Palantir Technologies Inc. (“Palantir”) of Mr. Abramowitz’s intent to file a brief in opposition to Palantir’s *Ex Parte* Application for an Order Pursuant to 28 U.S.C. § 1782 to Obtain Discovery for Use in Foreign Proceedings. This Court has the discretion to allow such an opposition. *See In re Ex Parte Application of Qualcomm Inc.*, 162 F. Supp. 3d 1029, 1034 (N.D. Cal. 2016); *In re Ex Parte Application of Nokia Corp.*, No. 5:13-mc-80217, 2013 WL 6073457, at *2 (N.D. Cal. Nov. 8, 2013); *In re Ex Parte Application of Samsung Elecs. Co.*, No. 5:12-mc-80275, 2013 U.S. Dist. LEXIS 10518 (N.D. Cal. Jan 23, 2013). We believe that Palantir’s application, which purports to seek to obtain discovery from Mr. Abramowitz for use in a newly-filed German proceeding, should be denied, as will be set forth in Mr. Abramowitz’s brief.

Mr. Abramowitz’s brief will also correct a material omission in Palantir’s *ex parte* application. Palantir’s *ex parte* application recognizes that, two years ago, it filed suit against Mr. Abramowitz in California Superior Court. The Superior Court case and the German proceedings concern the same subject matter and seek the same relief.

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But Palantir fails to inform this Court that the Superior Court has barred Palantir from obtaining the discovery that it now seeks in its *ex parte* application. Even though the Superior Court case has been pending for nearly two years, Palantir has been unable to provide a description of its trade secrets allegedly misappropriated by Mr. Abramowitz with “reasonable particularity,” as is required by California Code of Civil Procedure Section 2019.210. For that reason, the Superior Court has stayed discovery.

By filing the German proceeding and then immediately seeking an *ex parte* order permitting it to obtain discovery from Mr. Abramowitz, Palantir is attempting an end run around the Superior Court’s stay of discovery and California law. The fact that Palantir did not disclose the Superior Court’s stay of discovery to this Court makes that all the more clear.

Mr. Abramowitz’s counsel only recently discovered Palantir’s *ex parte* application. Mr. Abramowitz therefore requests permission to file his opposition brief on September 7, 2018, or on any briefing schedule that is convenient for the Court.

Respectfully submitted,



Jack P. DiCanio

CC: Barry Simon (pro hac forthcoming)
Stephen Wohlgemuth (pro hac forthcoming)
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